

NOT FOR CITATION

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

IRENE KOCOL,

Plaintiff,

v.

GUIDANT CORPORATION, et al.,

Defendants.

Case Number C 06-6537 JF (RS)

ORDER GRANTING DEFENDANTS'
MOTION FOR STAY OF
LITIGATION PENDING TRANSFER
BY THE MDL PANEL

[re: doc. no. 9]

Defendants have filed a "Motion To Discontinue Pretrial Deadlines Pending Transfer To MDL Court," which essentially is a motion to stay all proceedings in this case pending the expected transfer of the case to the District of Minnesota by the Judicial Panel on Multi-District Litigation ("MDL Panel"). The MDL Panel issued a conditional transfer order on December 11, 2006. Plaintiff's opposition to transfer is due to be filed with the MDL Panel by December 26, 2006.

Plaintiff opposes a stay of litigation, asserting that she has a meritorious remand motion that should be heard immediately. That motion is set for hearing before this Court on January 19, 2007.

1 As noted on the record at the hearing on December 22, 2006, numerous similar cases
2 have been transferred by the MDL Panel despite the existence of potentially meritorious motions
3 for remand on grounds similar to those raised by Plaintiff in this case. In those cases, remand
4 issues are being addressed by the MDL Panel in the context of opposition to transfer, and/or by
5 the transferee court. In light of the conditional order of transfer, and that fact that Plaintiff will
6 have the opportunity to raise her remand arguments before the MDL Panel and/or before the
7 transferee court, this Court concludes that Defendants' motion for stay is well taken.
8 Accordingly, Defendants' motion will be granted.

9 **ORDER**

10 Defendants' motion for a stay of litigation pending transfer by the MDL Panel is
11 GRANTED.

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16 DATED: 12/22/06

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19 JEREMY FOGEL
20 United States District Judge
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1 This Order was served on the following persons:

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